DOCUMENT RESUME

ED 124 591 TM 005 349

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TITLE The Care and Handling of Research Data in a Large City School System.
INSTITUTION Philadelphia School District, Pa. Office of Research and Evaluation.
PUB DATE [Apr 76]
NOTE 22p.; Paper presented at the Annual Meeting of the American Educational Research Association (60th, San Francisco, California, April 19-23, 1976); For a related document, see TM 005 303

EDRS PRICE MF-$0.83 HC-$1.67 Plus Postage.
DESCRIPTORS *Confidentiality; Confidential Records; Data; Data Collection; Educational Legislation; *Educational Research; Elementary Secondary Education; Federal Legislation; *Guidelines; *Information Dissemination; Information Storage; Parent Role; *Policy; Research Problems; Research Projects; School Districts; Student Records; Student Rights
IDENTIFIERS Buckley Amendment; *Family Educational Rights and Privacy Act 1974; Pennsylvania (Philadelphia); Philadelphia School District

ABSTRACT

The Buckley Amendment, formally entitled the Family Educational Rights and Privacy Act of 1974, grants parents the right to review all records that schools maintain on their children, and to force the removal of any inaccurate or misleading data. However, its major impact on educational research is linked to its provision requiring written parental permission prior to the collection or release of personal data to outsiders. The School District of Philadelphia's Office of Research and Evaluation (ORE), one of the nation's larger school-based research organizations, has evolved an omnibus policy and a number of different procedures for handling research data. This paper presents an examination of ORE's approaches to dealing with problems in data collection, storage, and release. In addition to general considerations, the differences in procedures for in-house versus outside efforts are explored. A set of guidelines for the release of research data is discussed, as are special data security arrangements and the way in which a central office research review committee functions. (RC)

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THE CARE AND HANDLING OF RESEARCH DATA

IN A LARGE CITY SCHOOL SYSTEM

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As Part of a Symposium on
Confidentiality of Data Versus the Right to Know:
New Problems for Educational Researchers

Presented at the Annual Conference of
The American Educational Research Association
San Francisco, California
April 19 -23, 1976

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TM005 349

THE CARE AND HANDLING OF RESEARCH DATA IN A LARGE CITY SCHOOL SYSTEM

by

Michael H. Kean

Until recently many agencies involved in the collection and maintenance of educational data had no formal policy regarding the release of such data, on either an individual or aggregate basis. In 1973, for example, the attorney general of a large eastern state noted that a survey of that state's public schools indicated that 74 percent of them had...."no policies forbidding the release of any part of a student's record in the absence of the parent's or student's consent."

With the advent of the computerization of records, resulting in comprehensive data files, and the interest shown by an increasing number of public advocacy organizations in limiting the use of such data, the time is past when any research organization or agency dare lack a formal policy governing access to and dissemination of information. The urgency for research agencies to come to grips with this problem is heightened by the passage of legislation dealing with personal data systems and access to student records at both state and federal levels.

Failure to provide official guidelines in this area and to assign to staff the responsibility for administering these guidelines might easily open the door to unwitting, but nevertheless illegal release of certain information; or conversely, the failure to provide access to data within the public domain. Either could result in a court suit and the possibility of severe penalties.

The reluctance shown by many educational researchers to deal with the issues surrounding confidentiality of data and the right to know, coupled with what an aide to Senator James Buckley termed as the "domineering, overbearing" attitude of education administrators, resulted in the passage of the controversial Buckley Amendment. This piece of legislation -- formally entitled the Family Education Rights and Privacy Act of 1974 -- grants parents the right to review all records that schools maintain on their children, and to force the removal of any data which they can show to be misleading or inaccurate.

The major impact of the Buckley Amendment upon educational research, however, is linked to that Bill's provision requiring written parental permission prior to the collection or release of personal data about their offspring to outsiders. Though methods can be developed to obtain prior written parental consent, educational researchers have labeled them costly and time-consuming. The spectre of biased results has also been raised, based upon the feeling that when the data is limited to only that which comes from students whose parents have consented, true random samples can no longer be drawn.

To add to an already difficult situation, the U.S. House of Representatives recently voted to bar the Federal Government from collecting race and sex statistics in education. Had the U.S. Senate passed the Bill, which it did not, researchers would have lost a major source of data. The National Committee for Citizens in Education has further complicated the implementation of research. In a 1974 publication, NCCE states that it is the responsibility of parents to assess the types of evaluations and tests administered to their children, and to challenge any which seem "irrelevant to the learning process or smacks of the family's privacy."

At the same time that this plethora of restrictive regulations is being developed and acted upon, most states are enacting so-called "right to know" laws, which provide that every public record shall be open for examination and inspection by any citizen.

The research departments of large school systems may receive many hundreds of information requests per year from a variety of sources including the media, law-enforcement agencies, other school districts, other organized groups, and miscellaneous individuals. Because the type of information may vary with each request, no single, specific policy generally exists covering the collection and release of research data.

It is for that reason that this paper has been developed. The School District of Philadelphia's Office of Research and Evaluation (ORE), one of the nation's larger school-based research organizations, has evolved an omnibus policy and a number of different procedures for handling research data. An examination of ORE's approaches to dealing with problems in data collection, storage, and release will be presented. In addition to general considerations, the differences in procedures for in-house versus outside efforts will be explored. A set of guidelines for the release of research data will be discussed, as will special data security arrangements and the way in which a central office research review committee functions.

General Considerations

There exist, of course, concerns of a general nature which must be taken into account prior to the approval of any research, evaluation, or development project. Since most ORE staff members are aware of these considerations, (and since all senior staff members are familiar with them), in-house projects are developed utilizing the considerations as criteria against which research project planners might assess their product. Outside research projects,

especially unsolicited ones, often stack up rather poorly when viewed with these considerations[1] in mind:

1. Legality. Is the project, including it's purpose, means of data gathering, and information dissemination within the bounds of school district policy; and local State and Federal law?
2. Interference with School District Practices. To what extent will the project interfere with ongoing operation of the school district? Is it likely to harm any child in any way? Does it place undue burden on teachers, principals, or other school administrative personnel? To what degree does it interfere with the instruction process?
3. General Significance of the Project. Will the project deal with major issues in education? Will it contribute to a growing body of theory on some aspect of education? Will the conduct of it contribute in any way to improved educational practice?
4. Utility to the School District. Does the project deal with problems which are of immediate importance to The School District? Will the conduct of it aid the district in the solution of one or more of these problems? While direct utility to the district is not essential for approval of a project, those with this characteristic do receive priority.
5. Soundness of the Research Design. Is the project designed in such a way that its objectives are likely to be met? Is it designed so that valid answers to the questions asked are likely to be obtained?
6. Extent of School District Involvement Requested. What - if any - resources are being requested from the school district? (Extensive expenditure of staff time or material resources cannot be entertained without compensation to the school district. It is expected that resources will be made available prior to the initiation of a project.)

[1]Not listed in order of priority

In-House Versus Outside Efforts

Very definite differences exist in research policy and procedural considerations, depending upon who initiates and implements the research project in question. As mentioned in the previous section, a project conceived and implemented in-house will, in most cases, already meet the necessary criteria for acceptance. Outside efforts, on the other hand, may require considerable revision before being deemed acceptable.

The Office of Research and Evaluation has been designated as the office within the School District responsible for the coordination of educational research and evaluation. As such, all such efforts are supposed to evolve or be cleared through that office.

All projects originating within ORE are not automatically approved for implementation. A series of in-house reviews, ultimately involving the division director and Office's Executive Director, are necessary prior to approval of any ORE project. Many ORE projects are evaluations of categorically funded programs and must meet certain federal stipulations and function within specific budget limitations. For projects where additional funding is not available from outside sources, it must first be ascertained that resources exist in-house to carry through the project, before it can be approved.

The majority of evaluation and research activities carried on by ORE also require varying degrees of interface with other School District offices. Such interfaces might include the Office of Federal Programs, to ascertain funding levels and project parameters; the Office of Instructional Services, including the specific subject area curriculum divisions, in order to gain specific subject knowledge; the Division of Data Processing, which functions as a separate organizational entity servicing ORE and other School District offices; and the Law Department, to provide clarification on all legal considerations.

It is also necessary to work very closely with the Philadelphia Federation of Teachers (representing teachers, para-professionals, secretaries, etc.) and the Philadelphia Association of School Administrators, (representing principals and most other administrative and supervisory personnel up to, but not including Superintendent's cabinet level positions.) In most cases, prior notification, though not legally mandated, is expected by both groups. In addition, it may be necessary to train non-ORE personnel in the administration of instruments or other specific data collection techniques. All of this must be accomplished without "changing working conditions." That means, unless ORE is able to conduct its business within the limits of the regular school day, it cannot expect additional cooperation from school personnel without offering payment for the extra curricular time worked. (The current rate ranges between $10 and $17 per hour, depending upon the task and the position.)

Requests for assistance initiated by other School District offices receive "special handling." ORE is established as a service organization and thus encourages a variety of clients from within the School District family to call upon it for assistance.

If resources are available, (e.g. money set aside within programs for evaluative services), ORE is generally able to move ahead fairly quickly in working with the client. If program resources are unavailable, however, it is often necessary to switch to a consultative rather than implementational mode. Technical assistance is always available from ORE whether the resources for data collection, analysis and dissemination can be found or not.

A new approach called the Small Projects Assessment Service has recently been developed and will be piloted beginning the Spring of 1976. This service will enable ORE to respond to requests of directors of small projects, not having sufficient funds to provide evaluation sources to assess their own

projects, so that they can determine the degree of movement toward their project objectives. The service also makes available to project directors an end-of-year program audit for the purpose of certifying what has actually occurred.

The School District also receives many outside requests from individuals and agencies to cooperate in conducting research studies. Many hundreds of inquiries each year are directed to the Office of Research and Evaluation for disposition. Though it remains the policy of the School District to cooperate with research which is pertinent to its problems or which contributes to the body of knowledge or expertise in the field of education in general; it is at the same time, incumbent upon the District to be sure that activities will not be permitted which would require so much staff or pupil time as to interfere with the instructional process.

For these reasons, all outside requests to cooperate in research projects (i.e., experiments, questionnaires, surveys, etc.) are screened by the Office of Research and Evaluation. The direct responsibility for screening will rest with the Executive Director of that Office, who establishes the procedures necessary to effect such screening. The Office for Field Operations (the direct link to the schools), also gives approval before implementation of any survey.

After review of a request for cooperation in conducting research, the Executive Director of the Office of Research and Evaluation, or his designee, notifies the applicant of the approval or rejection of his proposal. In the event that a proposal is approved, ORE furnishes the applicant with a letter of introduction. This letter of introduction constitutes full authorization to participate in the study, but does not obligate a school to do so. Participation is at the discretion of each school.

Because of the nature and/or origin of certain studies, schools may be required to participate. (This is the exception, however; not the rule.) In the event that schools must participate, a special letter from ORE, countersigned by the Superintendent of Schools or a Deputy Superintendent, is sent to the principal, directing him to offer complete cooperation.

All outside cooperative research is subject to the following general conditions (plus any additional conditions the Office of Research and Evaluation may impose upon a specific study):

1. No action may be taken in any school without the approval of the principal.
2. No individual or school may be identified in published or reported material without written approval of the Superintendent of Schools or his delegated representative.
3. A copy of the final report must be furnished for the files of the Office of Research and Evaluation.
4. A brief abstract of the final report must be furnished to each cooperating school or office and district superintendent.

The Research Review Committee

In order to facilitate the screening of cooperative research projects proposed by non-school district agencies or individuals, a Research Review Committee was established. The Committee, chaired by an ORE division director, is composed of three other ORE staff members, each of whom serves for a staggered, eighteen-month term. The Executive Director of ORE is an ex-officio member, as is a representative of the eight district superintendents. Other appropriate offices are invited to join in reviewing proposals in their areas of specialization. (So, for example, the Division of Mathematics Education would participate in reviewing a proposed piece of math research, and the Division of Health Services would automatically be called upon to assess the merits of any project dealing with medical research.)

Studies at the undergraduate level are not approved, and only in the most exceptional cases is research below the doctoral level authorized. These limitations are made necessary by the volume of research requests.

Any agency or individual wishing to secure the cooperation of the school district in a research project is required to submit six copies of the research proposal for the project to the chairman of the Research Review Committee. In a cover letter, the applicant is expected to indicate what assistance - if any- he is requesting of The School District beyond permission to do the study.

Doctoral candidates, in addition to the above requirements must submit evidence that their proposal has been approved by their dissertation committee.

Copies of all tests, questionnaires, and other instruments to be used, with the exception of well-known standardized tests are required to be submitted with the proposal. Once the proposal has been approved, no changes in procedure or instruments can be made without further approval.

The decision regarding each proposal is based upon the criteria listed in the General Considerations section of this paper. A project may be either approved, conditionally approved, or disapproved. In all cases, however, the applicant is informed of the decision and is invited to meet with the Committee to discuss possible modifications to the proposal.

If the request is approved, the applicant is authorized to contact the schools or offices to be involved for the purpose of explaining the project and soliciting the desired participation. School district personnel may cooperate or not, at their own discretion, and it is the responsibility of the applicant to communicate with them on details of the project. Approval of the project by the Office of Research and Evaluation means that school district personnel are authorized to participate, not that they are required to do so.

Parental approval may also be required in studies which are deemed unusually sensitive, or which, in the judgment of the school district, might be objectionable to parents. This would involve such situations as removal of pupils from school premises, activities with medical aspects, etc.

Guidelines for the Release of Research Data

The Office of Research and Evaluation, having been delegated the responsibility for serving as a clearinghouse for all questions related to the release of research data, established a district-wide group to develop guidelines appropriate to the task. In establishing the guidelines, it quickly became apparent that no document could cover all situations. It was decided, therefore, that instead of producing a series of "iron-clad" commandments, some general considerations tied to a number of hypothetical problem situations might be both more appropriate and more useful.

The general considerations that seemed applicable to most situations involving the release of research data are as follows:

1. All requests for research data should be referred to the appropriate division within the Office of Research and Evaluation for attention.
2. Even though the Office of Research and Evaluation may have certain data pertaining to the areas of Personnel, Finance, Pupil Personnel and Counseling, etc., requests for these kinds of data should be referred to the appropriate office for their attention and response.
3. The requests for data from individuals and agencies outside the School District should be submitted in writing detailing the needs for, and the use of, the data.
4. The Executive Director of ORE should receive a copy of all responses from the Office of Research and Evaluation divisions to requests for data from outside agencies along with a copy of the original request.

5. Any variations to the established guidelines in the release of research data must be referred to the Executive Director of the Office of Research and Evaluation for clarification and decision.

6. Except in the case of the Office of Research and Evaluation or other School District publications, a requester should not be given a copy of official School District reports or records (e.g., School Monthly Reports for Pupils, School Monthly Reports for Personnel). The requested data should be extracted from the appropriate reports or records and sent as a special typewritten response.

7. Generally, preliminary data generated by the Office of Research and Evaluation should not be released.

8. Data which are to be published should not be released prior to the internal review process or before the initial distribution has been made.

9 All data released by the Office of Research and Evaluation should be accompanied by a letter of transmittal. This letter of transmittal should contain statements pertaining to the limitations of the data and any other comments that seem appropriate.

Though it may appear that the Executive Director of the Office of Research and Evaluation is thrust into an overly heavy decision-making position by the above nine considerations, the identification of a single individual bearing ultimate responsibility was considered essential to effective implementation of the guidelines.

Five problem situations, coupled with recommendations for dealing with each, were designed to cover virtually all existing concerns, yet remain sufficiently flexible to encompass future changes.[2]

SITUATION I: Release of Research Data, Evaluations, Personnel Summaries, Financial Reports, etc., That are Published as Part of the School District's Overall Responsibility (e.g., racial distribution of pupils, aggregated [or city-wide] standardized test results, Title I project evaluations, Budget Documents, Capital Program Information).

Such data, it would seem, are clearly within the public domain.

RECOMMENDATION:

The office responsible for developing these data should promptly honor all requests received. This recommendation is predicated on the assumption that the data are in final form, have gone through the necessary review process, and have received the appropriate initial distribution (e.g., to Board of Education and Superintendent).

SITUATION II: Release of Research Data Which Have Been Developed by an Office of the School District in Response to a Specific Request From Another Office Within the School District.

These data may or may not be within the public domain.

RECOMMENDATIONS:

1. There should be a clear understanding between the requesting office and the office for which the data were produced as to the extent to which the requesting office may use the data in other studies and for other purposes.

[2]From "To Release or Not to Release: The Great Data Dilemma," an unpublished paper by Michael H. Kean and Edward B. Penry.

2. All requests for these data should be referred to the office for whom the data were originally developed, unless agreements reached in Recommendation #1 are to the contrary.

SITUATION III. Release of Available Data That are Not a Part of Regular Reports or Published Documents (i.e., data collected and compiled for internal analysis and information).

The extent to which these kinds of data are within the public domain is questionable. Providing these kinds of data to the requester in an informative manner would probably involve an investment of staff time and resources.

RECOMMENDATIONS:

1. All requests for these kinds of data should be received in writing, clearly stating the need for the data and the use(s) to which they will be put.
2. All requests of this nature should be referred to the Office of Research and Evaluation for clarification and a decision as to whether the data may be released.
3. The decision concerning the availability of resources to assemble the data rests with the office having the primary responsibility for the data.

SITUATION IV Release of Official Reports and Administrative Records Which are Not Normally Published or Released (i.e., reports and records of aggregated data used for the effective administration of the school district, such as school monthly reports and personnel absence statistics).

While these reports probably fall within the public domain, honoring requests for these kinds of data would require an investment of staff time and resources.

RECOMMENDATIONS:

1. In this situation, the Office of Research and Evaluation should honor requests for data which are consistent with the established guidelines and for which it has available staff time.
2. The request for such data should be submitted to the Office of Research and Evaluation in writing with the need to know and the uses for the data clearly spelled out.
3. The entire report or record should not be released to individuals or agencies outside the school district, where portions are not pertinent to the requester.
4. Other school-district offices which may be affected by the release of the requested data should be contacted prior to the actual release or, preferably, the request should be referred to the appropriate office for attention.

SITUATION V: Release of Individual Pupil Data Available Through a Standardized Testing Program, A Pupil Data System, Program Evaluations, etc.

It is felt that these data are not within the public domain.

RECOMMENDATIONS:

1. In addition to appropriate State or Federal legislation, school districts should be guided by the Guidelines for the Collection, Maintenance, and Dissemination of Pupil Records, published by the Russell Sage Foundation in 1970, particularly those provisions dealing with Classification and Maintenance of Data and the Dissemination of Information Regarding Pupils.

2. Requests from school-district personnel for individual pupil data must be based on a need to know and must be received by the responsible office in writing.

The guidelines presented in this section deal primarily, though not exclusively, with the release of programmatic research data. Other offices, particularly those responsible for the maintenance of certain student records and information (e g., the Division of Pupil Personnel and Counseling, the Division of Medical Services, etc.) should also develop guidelines for access to and release of the specific data for which they are responsible. These other sets of guidelines should be consistent, in approach and principle, with those issued by the Office of Research and Evaluation, and should, if possible, complement other such guidelines.

Specific Data Security Arrangements

Pursuant to the School District's responsibilities for insuring data privacy and security of the individual pupil data contained on the Pupil Directory System and City-Wide Testing Program tape, files and hard copy reports, the Office of Research and Evaluation found it necessary to develop several sets of guidelines, which, when implemented, adequately met existing legal requirements. It should be noted that these policy statements were not developed in isolation, but rather in concert with the Division of Data Processing and the Law Department.

Generally speaking, with the exception of race and sex, all data elements collected, stored, and maintained for each pupil within the Pupil Directory System are "directory" type information as defined in the Family Education Rights and Privacy Act (Public Law 93-380, Section 99.3).

Access to the magnetic tape files and/or the hard copy records of the Pupil Directory System must be in compliance with Federal and State Laws and the Office of Research and Evaluation School District policy.

The Pupil Directory System and the City-Wide Testing Program File are accessible by somewhat different means, both because of differences in the data, and in order to assure that an individual with access to one system, cannot automatically gain access to the other. Access to Pupil Directory System data is governed by the following six operational requirements.

1. All requests for access to the individual pupil data on the magnetic tape files of the Pupil Directory System from offices, agencies, and/or individuals must be submitted in writing to the Office of Research and Evaluation. It is the policy of the Division of Data Processing not to honor requests for access to the Pupil Directory System files without first having received authorization from the Office of Research and Evaluation. However, written requests are not applicable to the normal maintenance, developmental and testing activities of the Pupil Directory System by the Division of Data Proccessing's personnel.
2. All requests for access to the Pupil Directory System hard copy reports containing individual pupil data by offices, agencies, and/or individuals must be authorized by the Office of Research and Evaluation.
3. Any questions concerning the appropriateness of access to either magnetic tape files or hard copy reports not reconciled by the Office of Research and Evaluation are referred to the Department of Legal Services for a decision.
4. All Pupil Directory System magnetic tapes are to be located in the Division of Data Processing's tape library. Authorization

for anyone to remove these tapes from the computer room must be received in writing from the Office of Research and Evaluation. If authorization is given, it is understood that removal of tapes from the library and their subsequent handling are subject to Data Processing's policies and procedures. Further, the person signing for the tapes is responsible for their security and for insuring the confidentiality of the individual pupil data.

5. The written requests to access Pupil Directory System tapes containing individual pupil data should be brief but must contain the following points:
   a) Brief description of reason for needing access to these tape files.
   b) Use to which the data will be put.
   c) Specific pupil data items needed.
   d) Timing requirements.
   e) Person(s) who will be doing programming.
   f) If the processing will be done at a location other than the School District's central computer room.
6. The Division of Data Processing will be sent a copy of the request noting that it has the approval (or disapproval) of the Office of Research and Evaluation.

The guidelines for managing the City-Wide Testing Program's magnetic tape files and hard copy output are similar enough to the Pupil Directory File Data requirements enumerated above not to bear repeating. They do differ in several areas, however.

In order to gain access to the Testing Program files, a totally separate request must be initiated. This holds true for Office of Research and Evaluation staff as well as outsiders. Since large numbers of ORE staff make use of test data as part of needs assessments, proposal development,

and evaluation design and implementation, it was necessary to develop stringent in-house data safeguards. Hard copy data files are controlled by the Division of Testing Services, while access to the magnetic tape files are dealt with by the Division of Instructional Research and Development Services -- ORE's direct link to the Division of Data Processing. The Executive Director of ORE is the final arbiter for all outside requests for Testing Program data, unless, of course, there are legal questions involved.

Both the Directors of Testing Services and Instructional Research and Development Services, or their designees, review the completed output for compliance with the stated needs of the requester and existing guidelines, School District policy, and law; and that both parties sign off on the output before it is released.

Dealing with Special Problems

In spite of the variety of policies and guidelines discussed in previous sections of this paper, problems still arise which require special handling. Perhaps the most frequently occurring problems relate to the releasing of pupils' names, addresses and other identifying information.

Until recently, if an outside agency or individual desired to participate in a cooperative research endeavor, even if he had his proposal approved by the Research Review Committee, he was still limited to "capturing" students at the schools which they attended. Home addresses were never released. This, as can be well imagined, greatly limited the types of research designs which could be utilized.

In order to deal with situations requiring access to pupils' home addresses, a special procedure was developed. The procedure required the researcher to develop a letter to the parents of the children to be

involved in the proposed research, explaining the project and requesting parental cooperation. The letter, along with a self-addressed, stamped envelope or postcard, was sent to the parents by the Office of Research and Evaluation, which handled the clerical aspects of the operation, including accessing the names and addresses from the Pupil Directory System. (Outside researchers were expected to bear postage and clerical costs.)

By utilizing such a procedure, the outsider never had access to the pupils' addresses. The letter received by the parent explained this, and indicated that only if the parent sent back the attachement would his address become known to the researcher. If the parent did not wish to participate, he had simply to ignore the letter and his child was automatically deleted from consideration as part of the sample population.

Even more recent legislation is evolving under the umbrella of the "Right to Know" law and may, in fact, force lists like the Pupil Directory System to be made public. In adhering to the law, the School District now advertises the fact that parents have the right to keep their children's names and addresses from being accessible as part of the Pupil Directory System. To date, however, very few parents have exercised this option.

Because it is expected that the School District will receive a great many outside requests for access to the Pupil Directory System, a series of new guidelines are being developed consistent with the evolving legislation. It has been a rule of thumb thus far, to turn down requests from commerical corporations for such access, and to screen, very carefully, requests made by public, non-profit groups (e.g., The Boy Scouts and YMCA).

One final problem should also be mentioned -- that is, policy in dealing with law enforcement agencies. Up until this point, the Office of Research and Evaluation has refused law enforcement officials, including local police and the FBI direct access to the Pupil Directory System. All such requests have been automatically referred to the Law Department

which, after examining each individual situation, provides ORE with written instructions as to whether we may legally cooperate or not.

Conclusion

After having read this paper one may gain the impression that it is necessary to build a "protective wall" around school-based research and evaluation agencies. To some extent, this is, in fact, true.

It is necessary that both the Federal Government and state departments of education become cognizant of the seriousness of the situation created by the lack of guidelines pertaining to the collection and release of research data, and that together, they respond to this problem by developing a policy to deal with it. Until such a time, however, it is incumbent upon all agencies responsible for the collection, maintenance, and release of data to recognize and understand the problem and to be prepared with a set of guidelines to facilitate intelligent decision making.

The state of recent legislation and judicial decisions relative to the confidentiality of data and the release of research information is, at best, embryonic. Questions and demands which fostered the creation of such regulations will continue to be asked and to the extent that the law is unable to satisfy its intent, it will continue to develop in an evermore refined manner.

Because local, state and Federal law is evolving at different rates, many research organizations are unwilling to develop anything but very temporary guidelines. Some organizations have flatly refused to participate in cooperative research endeavors until the situation is "straightened out." The only useful solution, however, will be one that has been jointly developed by local, state and Federal agencies with an eye toward the law, the research organization and the rights of the individual.